

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MASSARO FAMILY LIMITED)	
PARTNERSHIP (PW TWO),)	
Plaintiff)	
)	
v.)	Civil Action No. 00-1234
)	
BAKER & TAYLOR, INC.,)	
Defendant)	

TAXATION OF COSTS

After a jury trial, hearing on damages and an appeal to the United States Court of Appeals for the Third Circuit, the order of the District Court entered June 29, 2001 was AFFIRMED, the order of the District Court entered February 6, 2004 was REVERSED and remanded to the District Court. A Bill of Costs was then filed by the defendant and objections were filed by the plaintiff.

Therefore, after consideration of the bill of costs, the opposition thereto, and a review of the record, the Clerk makes the following findings:

1. The defendant is the recovering party and is entitled to costs.
2. The only item to which the plaintiff has filed an objection to is the "exemplification and copies necessarily obtained for use in the case," in the amount of \$4,189.65 for computer visual and design items contained in Exhibit No. 3. The fees for computer aided graphics and demonstrative exhibits will be disallowed since the Clerk can find no order in the record that these services were allowed by the Court and they are not taxable pursuant to 28 U.S.C. §1920.

Therefore, costs are taxed this 23rd day of February, 2006 in the amount of **\$5,818.34** in favor of the defendant and against the plaintiff, and are included in the judgment. You are advised that any determination of costs by the clerk may be reviewed by the court upon motion served within five days thereafter, under Rule 54(d) of the Federal Rules of Civil Procedure.


Clerk of Court

cc: counsel